

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Seiki TAMURA

Serial No.:

herewith

Filed:

June 24, 2005

For: Hair Care Composition

Docket No.:

71,051-011

Group Art Unit:

unknown

Examiner:

unknown

I hereby certify that the enclosed Information Disclosure Statement and attached SB/08/A and SB/08/B are being deposited with the United States Postal Service as Express mail, Label No. EV612874095US postage prepaid, in an envelope, addressed to the Commissioner of Patents, PO BOX 1450, Alexandria, VA 22313-1450, on the date shown below.

June 24, 2005
Date

Sandra Barry
Sandra Barry

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant(s) submit(s) herewith patents, publications, or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose in accordance with 37 C.F.R. §1.56.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner.

- ☒ Submitted herewith is Form PTO/SB/08A and or PTO/SB/08B (Modified) listing patents, publications, or other information for consideration by the Office.

COPIES PROVIDED:

- ☒ Legible copies of all items listed on Form PTO/SB/08A and or PTO/SB/08B accompany this Information Disclosure Statement, except copies of U.S. patents, U.S. patent application publications, copies of U.S. applications that were filed on or after June 30, 2003, and copies of U.S. applications that were filed before June 30, 2003 that are available in the Image File Wrapper System.

- ☐ Under 35 U.S.C. §120, this application relies on the earlier filing date of prior application Serial No. [], filed on []. The following references were submitted to and/or cited by the Office on this prior application and are therefore not required to be provided in this application:

10/540816
JC17 Rec'd PCT/PTO 24 JUN 2005

- ☐ In accordance with 37 C.F.R. §1.98(c), a copy of only [] is being submitted with this Information Disclosure Statement, and is cumulative of the following patents or publications listed on Form PTO/SB/08A:

FOREIGN LANGUAGE DOCUMENTS

- ☐ There are no foreign language documents listed on Form PTO/SB/08A.
- ☒ English language abstract for the following non-English references are enclosed:

Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document
JP 4-211605	08/03/1992	Tsubaki et al
JP 63-183517	07/28/1988	Nanba et al.
JP 63-243018	10/07/1988	Torii et al.
JP 8-188519	07/23/1996	Takayuki et al.
JP 8-208439	08/13/1996	Takayuki et al.
JP 2002-179535	06/26/2002	Hiroaki et al.

- ☐ Submitted herewith is an English translation of the following foreign language patents, publications or information or of portions of those patents, publications or information considered to be material:
- ☐ No English language translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.
- ☒ The following foreign language documents are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith:

Cited Art	English Equivalent
JP 4-221606	EP 0492 657
JP 63-243018	US 5,286,476

- ☐ Submitted herewith is an English language version of a PCT search report listing information not in the English language and indicating the degree of relevancy found by the International Bureau of WIPO, in satisfaction of the requirement (under 37 C.F.R. §1.98(a)(3)) for a concise explanation of the relevance of non-English information.
- ☒ A concise explanation of the relevance of the following listed non-English language information is included as presently understood by the individual designated in 37 C.F.R. §1.56(c) most knowledgeable about the content of the information as set forth below:

Foreign Patent Document

Explanation of Relevance

- JP 63-183517 This relevance of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a hair cosmetic containing a high molecular weight silicone and a low boiling oil.
- JP 8-188519 This document was cited by the international Searching Authority in the International Search Report as a category "Y" document and its relevance as presently understood is obtained from the English language abstract which

10/540816
JC17 Rec'd PCT/PTO 24 JUN 2005

indicates that this document discloses a hair cosmetic that is a combination of a particular polysiloxane-oxyalkylene copolymer and another silicone derivative.

JP 8-208439

This document was cited by the international Searching Authority in the International Search Report as a category "Y" document and its relevance as presently understood is obtained from the English language abstract which indicates that this document discloses a hair cosmetic containing a particular polysiloxane-oxyalkylene copolymer and an amino-modified or ammonium-modified polymer silicone.

JP 2002-179535

This document was cited by the international Searching Authority in the International Search Report as a category "Y" document and its relevance as presently understood is obtained from the English language abstract which indicates that this document discloses a cosmetic composition for hair comprising a reactive silicone-based block copolymer and a compound selected from a polyorganosiloxane-polyoxyalkylene copolymer and a reactive silicone.

- ☐ A concise explanation of the relevance of the following listed non-English language information is set forth in the above-identified specification:

CERTIFICATION:

- ☒ The Information Disclosure Statement transmitted herewith is being filed **within** three (3) months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last. 37 C.F.R. §1.97(b). Accordingly, it is believed that no certification or fee is due.
- ☐ The Information Disclosure Statement transmitted herewith is being filed **after** three (3) months of the filing date of the application or the date of entry into the national stage of an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last but **before** the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, whichever occurs first. Accordingly, I hereby certify that:
- ☐ each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the Information Disclosure Statement; 37 C.F.R. §1.97(e)(1); **OR**
- ☐ no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge as the person signing this certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three (3) months prior to the filing of this statement; 37 C.F.R. §1.97(e)(2); **OR**
- ☐ Applicant elects the option to pay the fee set forth in 37 C.F.R. §1.17(p) for submission of an Information Disclosure Statement under 37 C.F.R. §1.97(c). If a check is not enclosed, please charge the **\$180.00** IDS submission fee to Howard & Howard Attorneys PC **Deposit Account No. 08-2789**. A duplicate of this paper is enclosed.
- ☐ The Information Disclosure Statement transmitted herewith is being filed **After a Final Action** under 37 C.F.R. §1.113, or **After a Notice of Allowance** under 37 C.F.R. §1.311, whichever occurs first, but is being filed on or **Before Payment of the Issue Fee**. Accordingly, I hereby certify that:

10/540816
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- ☐ each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the statement; 37 C.F.R. §1.97(e)(1); OR
- ☐ no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge as the person signing this certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three (3) months prior to the filing of this statement; 37 C.F.R. §1.97(e)(2); **AND**
- ☐ Applicant hereby petitions for consideration of this Information Disclosure Statement; 37 C.F.R. §1.97(d)(2)(ii). If a check is not enclosed, please charge the petition fee of **\$180.00** Howard & Howard Attorneys PC **Deposit Account No. 08-2789**. A duplicate of this paper is enclosed.

The Commissioner is authorized to charge Howard & Howard Attorneys PC Deposit Account No. 08-2789 for any additional fees due hereunder.

Respectfully submitted

Reg. No.: 46,295



David M. LaPrairie

Date: June 24, 2005

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PTO/SB/08A (08-03) (modified)
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24 JUN 2005

Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	herewith 10/540816
		Filing Date	June 24, 2005
		First Named Inventor	Seiki TAMURA
		Art Unit	unknown
		Examiner Name	unknown
Sheet 1 of 2	Attorney Docket Number	71,051-011	

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No. ¹	U.S. Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 5,286,476	02/15/1994	Nanba et al.	
		US- 5,620,684	04/15/1997	Dupuis	
		US- 5,935,587	08/10/1999	Cauwet et al.	
		US-			
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FOREIGN PATENT DOCUMENTS						
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		Country Code ³	Number ⁴ Kind Code ⁵ (if known)			
		EP	0 492 657	12/27/1991	Tsubaki et al.	
		JP	4-211605	08/03/1992	Tsubaki et al.	
		JP	63-183517	07/28/1988	Tomiyuki et al.	
		JP	63-243018	10/07/1988	Torii et al.	
		JP	8-188519	07/23/1996	Takayuki et al.	
		JP	8-208439	08/13/1996	Takayuki et al.	
		JP	2002-179535	06/26/2002	Hiroaki et al.	

Examiner Signature	Date Considered
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¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ² Applicant's unique citation designation number (optional). ³ See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ⁴ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁵ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁶ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. ⁷ Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 C.F.T. 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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		Filing Date	June 24, 2005	
		First Named Inventor	Seiki TAMURA	
		Art Unit	unknown	
		Examiner Name	unknown	
Sheet 2	2	2	Attorney Docket Number	71,051-011

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		English language Abstract for JP 63-183517 extracted from <u>espacenet.com</u> database dated 6/13/2005	
		English language Abstract for JP 8-188519 extracted from <u>espacenet.com</u> database dated 6/13/2005	
		English language Abstract for JP 8-208439 extracted from <u>espacenet.com</u> database dated 6/13/2005	
		English language Abstract for JP 2002-179535 extracted from <u>espacenet.com</u> database dated 6/13/2005	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFT 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.